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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,739	05/23/2005	Harald Syse	007835.00008	2329
Paul E. Rossler GableGotwals 100 W. Fifth St., 10th Floor Tulsa, OK 74103				
7590 12/24/2008				
EXAMINER				
BRINSON, PATRICK F				
ART UNIT		PAPER NUMBER		
3754				
MAIL DATE		DELIVERY MODE		
12/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/531,739

**Applicant(s)**

SYSE ET AL.

**Examiner**

Patrick F. Brinson

**Art Unit**

3754

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8,9,11-13 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8,9,11 and 20 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date 8/26/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 08105407 to **Tokai**.

The **Tokai** reference discloses a hydraulic cylinder (1) including a cylinder chamber, a piston head (3) within the cylinder chamber forming two sub chambers on each side of the piston head, and a piston rod (2) which runs from one side of the piston head through at least one of the sub chambers wherein a hydraulic power unit (4-7) for the operation of the hydraulic cylinder is situated partly within the parts forming at least one of the piston head and piston rod, as recited in claim 8. The rod runs through both sub chambers, as recited in claim 9. One of the piston rod and piston head comprises a hydraulic pump in the form of pistons (4, 5) for the hydraulic cylinder, as recited in claim 11.

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 4,854,384 to **Campbell** in view of **Tokai**.

The patent to **Campbell** discloses a plug for closing off a pipeline (12) comprising anchoring (26) and sealing means (24) for anchoring and sealing against the internal wall of a pipeline which are operated by at least one hydraulic cylinder comprising a cylinder and chamber (70), a piston head (72), situated within the chamber and dividing the chamber into two sub chambers and piston rod (76) which runs through the piston head and through at least one of the sub chambers on either side of chamber (70). It is disclosed that pump and valve are activated by a remote control switch when it is desired to initiate the gripping and sealing action, causing the piston to be moved in one direction and when the opposite action is to take effect, the remote control switch activates pump and reverses solenoid valve so that the hydraulic fluid can drain from the high pressure side. **Campbell** does not disclose the hydraulic power unit being provided partly within the piston head. **Tokai**, as

discussed previously, provides a hydraulic cylinder (1) comprising a cylinder chamber, a piston head (3) within the cylinder chamber forming two sub chambers of the cylinder chamber, one on each side of the piston head and a piston rod (2) which runs from one side of the piston head through at least one of the sub chambers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute for the hydraulic cylinder arrangement of **Campbell** to one having the power unit for its operation at least partially within the head, as suggested by **Tokai** in order to provide for a self-contained plug for plugging pipelines.

### ***Response to Amendment***

3. Applicant argues that the **Gentzsch** reference does not disclose the power unit being situated within the parts forming the piston head and rod and therefore will not move with the piston head and rod as they move within the chamber relative to the housing. The rejection to **Gentzsch** has been withdrawn, however the **Tokai** reference discloses a housing including a piston (3) which has within it a hydraulic power unit that functions to move the piston (3) and will move with the piston head and rod as they move within the chamber relative to the housing.

***Allowable Subject Matter***

4. Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kevin P. Shaver** can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick F. Brinson/  
Primary Examiner, Art Unit 3754

P. F. Brinson

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December 20, 2008